

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JANE DOE, <i>et al.</i>,</b>	)	
	)	
Plaintiffs,	)	
	)	
<b>v.</b>	)	<b>No.: 3:15-cv-68</b>
	)	
<b>CORRECTIONS CORPORATION OF</b>	)	<b>Judge Campbell</b>
<b>AMERICA, <i>et al.</i>,</b>	)	<b>Magistrate Judge Knowles</b>
	)	
Defendants.	)	<b>Jury Demand</b>

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**PLAINTIFFS JANE DOE #1 AND JANE DOE #2'S MOTION TO STRIKE  
CHARLES FISHER'S DECLARATION, (DOC. 107-1)**

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Come now Plaintiffs Jane Doe #1 and Jane Doe #2 ("Plaintiffs"), through counsel, and hereby move this Honorable Court for an order striking Charles Fisher's Declaration, (Doc. 107-1), which Defendants filed in support of their motion for summary judgment.

As cause for this motion, Plaintiffs aver that Mr. Fisher's summary judgment declaration is improper on several grounds. Mr. Fisher's declaration, executed July 25, 2016, and disclosed to Plaintiffs for the first time when filed on July 27, 2016, is an out-of-time expert disclosure that violates the Court's scheduling order. Furthermore, Mr. Fisher's new declaration contradicts his deposition testimony and discusses topics discussed at length in Mr. Fisher's multi-hour deposition. Indeed, Mr. Fisher's declaration is his *fourth* opportunity to opine on this case.

Wherefore, for these reasons, and for the reasons more fully explained in Plaintiffs' contemporaneously filed Memorandum of Law in support of this motion, the Court should STRIKE Charles Fisher's Declaration, (Doc. 107-1) from the record and preclude Defendants' reliance on

the material contained therein in their summary judgment filings.

Dated: August 26, 2016

Respectfully submitted,

s/William York  
Tricia Herzfeld (No. 26014)  
Elliott Ozment (No. 4331)  
William P. York II (No. 30546)  
OZMENT LAW  
1214 Murfreesboro Pike  
Nashville, TN 37217  
(615) 321-8888  
(615) 321-5230 (fax)

*Attorneys for Jane Doe #1-2*

#### CERTIFICATE OF SERVICE

I certify that I served the foregoing document, Plaintiffs' Motion to Strike, to the following parties or attorneys of record via the Court's Case Management/Electronic Case Filing system on the date inscribed below:

James I. Pentecost  
Jon A. York  
Nathan D. Tilly  
Pentecost and Glenn, PLLC  
106 Stonebridge Blvd  
Jackson, TN 38305  
(731) 668-5995 – Telephone  
(731) 68-7163 – Facsimile  
jpentecost@pgandr.com

Attorneys for Defendants

I certify that I served the foregoing document, Motion to Strike, to the following parties or attorneys of record via U.S. mail, first-class postage prepaid thereon:

Jane Doe #3  
[Confidential]

Dated: August 26, 2016

Respectfully submitted,

s/William York  
Tricia Herzfeld (No. 26014)

Elliott Ozment (No. 4331)  
William P. York II (No. 30546)  
OZMENT LAW  
1214 Murfreesboro Pike  
Nashville, TN 37217  
(615) 321-8888  
(615) 321-5230 (fax)

*Attorneys for Jane Doe #1-2*